

Remarks

In furtherance of the Request for Continued Examination filed herewith, Applicants respectfully request reconsideration of this Application and consideration of the foregoing amendment, which is hereby submitted in accordance with 37 C.F.R. §§ 1.114 and 1.116(a).

Upon entry of the foregoing amendment, claims 1-43 are pending in the application, with 1, 4, 13, 16, 21, 28, 33, 36, 40, 41, 42 and 43 being the independent claims. Although the Examiner has withdrawn claims 13-43 as being directed to a non-elected invention, Applicants respectfully request rejoinder of claims 13-43 with the Examiner's constructively elected invention (i.e., claims 1-12) for the reasons stated below. Furthermore, claims 1-7, 11-13, 16, 20, 21, 24-26, 28, 33, 36, and 40-43 are herein amended without prejudice to or disclaimer of any subject matter canceled therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Election/Restrictions

In the Office Action, the Examiner restricted claims 1-43 into four Groups, namely Group I representing claims 1-12; Group II representing claims 13-15 and 21-27; Group III representing claims 16-20; and Group IV representing claims 28-43. The Examiner argues that Group I, Group II, Group III, and Group IV are related as subcombinations disclosed as usable together in a single combination. The Examiner also constructively elected Group I (i.e., claims 1-12), and withdrew claims 13-43 from consideration as being directed to a non-elected invention. See Paper No. 10, pages 2-3. Notwithstanding the amendments herein, Applicants respectfully traverse the restriction requirement and request rejoinder of withdrawn claims 13-43 with the constructively elected claims 1-12.

The restriction requirement is submitted to be improper because the Examiner has failed to clearly provide evidence that any of the alleged subcombinations (i.e., Group I, Group II, Group III, and Group II) has a utility other than the disclosed combination. First, the Examiner has not identified the elements, limitations, or features that he considers as the combination. In fact, it is not clear whether the Examiner has considered the recited elements, limitations, or features of the claims at all, because his characterization of the alleged subcombinations are predicated upon the "preamble" of the claims without any reference to the "body" of the claims. See Paper No. 10, page 2, paragraph 1. It should also be noted that the Examiner has not given consideration to the additional features of the dependent claims, which include features that are common in all of the alleged subcombinations.

Second, the Examiner's statements of utility for the alleged subcombinations are also improperly based on the preamble and not the body of the claim. As such, the Examiner's statements of utility contain several inaccurate or incomplete assertions about the alleged subcombinations. See Paper No. 10, pages 2-3, Paragraph 3.

Finally, the classifications (i.e., class/subclass) for the alleged subcombinations do not appear to be proper. For example, the claims in Group II have been classified in class 706, subclass 50. Paper No. 10, page 2, Paragraph 1. This class/subclass is directed to technology pertaining to database management and lookup tables. Moreover, upon reviewing the features cited in the body of the claims (including the dependent claims), all of the alleged subcombinations could benefit from a search in the other classes/subclasses identified by the Examiner. For example, claims 1-43 all recite elements, limitations, or features pertaining to eliciting a response for a question or problem (class 434, subclass 322), eliciting electrical responses for a question or problem (class 434, subclass 362), and producing a televised scene (class 348, subclass 722). See Paper No. 10, page 2, Paragraph 1. Although claims 1-43 recite varying scopes of Applicants' invention, Applicants respectfully submit that the examination of the claims would not impose a substantial burden on the Examiner since, upon reviewing the body of the claims, they all could be searched and classified in the same class and subclass.

As stated above, the restriction requirement is improper because the Examiner has failed to clearly provide evidence that any of the alleged subcombinations has a utility other than the disclosed combination. Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

Information Disclosure Statement

In an prior Office Action, the Examiner objected to the Information Disclosure Statement filed on September 3, 2002 because he was unable to locate a copy of the documents cited therein. See Paper No. 6, page 2. In a Reply and Amendment filed on January 27, 2003 in response to the aforementioned Office Action, Applicants informed the Examiner that Mr. Larry Schwartz (Supervisor, Customer Service Department for Technology Center 3700) had located each of the cited document, and had promised to deliver the documents to the Examiner for consideration. In the instant Office Action, the Examiner has made no reference to the aforementioned Information Disclosure Statement or indicated his consideration of the documents cited therein. Once again, Applicants respectfully request reconsideration of the aforementioned Information Disclosure Statement.

Rejections under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejected claims 1-12 as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. The Examiner argues that “[t]hese claims each state the invention ‘pertains’ to ‘producing live or on-demand broadcasting’, but do not specify how the tutorial processing system and method pertain to broadcasting.” Paper No. 10, page 4.

Applicants respectfully disagree. The language of the previously presented claims 1-12 is not ambiguous, and is also clearly described throughout the Specification.

See, for example, page 5, Paragraph 0014; page 8, Paragraph 0037; and page 35, Paragraph 0108. However, in light of the foregoing amendment, Applicants believe the Examiner's rejections are no longer valid or have been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejections of claims 1-12, and allowance thereof.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner has rejected claims 1-12 as allegedly being unpatentable over U.S. Patent No. 6,315,572 to Owens *et al.* (herein referred to as "Owens") in view of U.S. Patent No. 5,577,190 to Peters (herein referred to as "Peters"). Paper No. 10, page 5. Applicants respectfully traverse this rejection.

a. Claims 1-3

With respect to Applicants' claim 1, Owens and Peters, taken alone or in combination, do not teach or suggest each and every element, limitation, or feature of Applicants' invention, as previously presented or currently amended. For example, Owens and/or Peters does not teach or suggest "an automation control system for executing a sequence of commands to control a plurality of production devices to thereby produce a show or a show segment." It follows therefore that Owens and/or Peters cannot teach or suggest "tutorial processing means for providing a lesson to a client, wherein at least one of said tutorial processing means and said client includes means for

transmitting a command to initiate execution of said sequence of commands” [emphasis added].

Notwithstanding the foregoing amendment, neither Owens nor Peters teaches a manual or automated production environment. The Examiner alleges that Owens discloses “a multimedia production means for communicating with production devices...” Paper No. 10, page 5. However, the passage used by the Examiner to support this statement refers to loading and reading data from a memory. See col. 5, lines 34-50. The CPU-memory architecture disclosed in Owens is not Applicants’ previously recited “media production processing means” or Applicants’ currently recited “automation control system.” In particular, Owens does not teach or suggest that its CPU-memory architecture can “execute a sequence of commands to control a plurality of production devices to thereby produce a show or a show segment,” as currently recited.

The Examiner cites Peters for allegedly teaching “a system for storing and editing video source material for broadcast over a networked system” and further asserts that the combination of Peters and Owens would teach a system “capable of producing live or on-demand broadcasting material for tutorial processing.” See Paper No. 10, pages 5-6. Although the amended claims no longer explicitly recite this feature, Applicants disagree with the Examiner’s characterization of Peters and Owens. Peters does not teach or suggest Applicant’s media production system, “automation control system,” or the process of “sending at least one media production lesson.” More importantly, with respect to the currently amended claim 1, Peters fails to cure the defects of Owens since Peters also does not teach or suggest “an automation control system for executing a

sequence of commands to control a plurality of production devices to thereby produce a show or a show segment,” or a “tutorial processing means” of any kind.

Therefore, Applicants respectfully assert that Owens and/or Peters does not teach or suggest Applicants’ claim 1. It follows therefore that claims 2-3, which depend from claim 1, are likewise not obvious over the teachings of Owens and/or Peters for at least the above reasons, in addition to the features recited therein. As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of claims 1-3, and allowance thereof.

b. Claims 4-12

With respect Applicants’ claim 4, Owens and Peters, taken alone or in combination, do not teach or suggest each and every element, limitation, or feature of Applicants’ invention. For example, Owens and/or Peters does not teach or suggest “sending a lesson from a tutorial processing means over the communication connection to a client associated with a student, wherein said lesson includes an assignment to prepare pre-production instructions to operate at least one of a plurality of production devices to produce a show or a show segment.” As discussed above with reference to claim 1, Owens and/or Peters does not teach or suggest “executing a sequence of commands to control a plurality of production devices to thereby produce a show or a show segment.” It follows, therefore, that Owens and Peters cannot teach or suggest “sending a lesson...[that] includes an assignment to prepare pre-production instructions

to operate at least one of a plurality of production devices to produce a show or a show segment.”

For at least the above reasons, Applicants respectfully assert that Owens and/or Peters does not teach or suggest Applicants’ claim 4. Moreover, claims 5-12 depend from claim 4 and are patentable over Owens and/or Peters for at least the above reasons, in addition to the features recited therein. For example, with respect to claim 5, Owens does not teach or suggest “said assignment includes directions to prepare a production script and define a sequence of production commands that, when executed, sends control commands to automatically operate said at least one of a plurality of production devices to produce said show or said show segment.” The Examiner makes no reference to where Owens teaches that its computerized system enables production devices to be controlled or automated during a production. See Paper No. 10, page 7. The Examiner also has failed to demonstrate where Owens teaches the generation of a script or production commands to support automation control of production devices. See Paper No. 10, page 7. Additionally, the Examiner does not show how Peters cures the defects of Owens.

As such, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of claims 4-12, and allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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